



THE BANKRUPTCY ADVISOR



Volume 4, Issue 3

A Periodic Publication of the U.S. Bankruptcy Court for the Northern District of Florida

July 13, 2006



In this issue...

CM/ECF Upgrade.....	Page 1
Standing Orders.....	Page 2
Form Re-creation.....	Page 2
From The Bench.....	Page 3
Electronic Summons..	Page 4
Tips & Tricks.....	Page 4
Holiday Closings.....	Page 4
The Clerk's Corner.....	Page 5
In The Spotlight.....	Page 6
Submission Errors.....	Page 6
ECF Essentials.....	Page 7
New Law Clerks.....	Page 7
Bar Meeting.....	Page 8
Nat'l Creditor Svc.....	Page 8
Help Desk Hints.....	Page 9
Case Filings.....	Page 9



CM/ECF Upgrade This Weekend

System To Be Unavailable July 15-16

The U.S. Bankruptcy Court for the Northern District of Florida will be conducting maintenance and upgrades on the CM/ECF system this weekend which will require the system to be taken off-line. The system will be unavailable for filing from 7:00 a.m. EDT on Saturday, July 15 until 7:00 a.m. EDT on Monday, July 17.

The upgrade to CM/ECF version 3.0 is designed to correct some of the problems electronic filers have noticed in the past and to improve the operation of some of the features. A summary of the changes can be viewed by clicking on the link found on the HelpCenter or by clicking on the following: http://www.flnb.uscourts.gov/CMECF/Documents/bankruptcy_3.0.pdf

While most changes are cosmetic and will have no visible effect on the functionality of the program, some enhancements will be obvious to some users. For example, a new claims upload feature will allow users to file claims using a "batch" method instead of individually. The claims register will include additional information about the claim and the Notice of Electronic Filing (NEF) will include a link to the Claims Register.

Users filing adversary proceedings may also notice a difference when selecting the nature of the lawsuit being

See "UPGRADE" on page 8

Notices will be posted...

Be advised that CM/ECF will be unavailable some weekends during July and August for upgrades and migration to a new server. Please check our website, the HelpCenter, and/or the ECF Login page for postings of dates and times.

AMENDED STANDING ORDERS SIGNED

Standing Order No. 8 - Assignment of Chapter 11 Cases in Pensacola Division

Amended Standing Order Number 8 signed by Judge Killian changes the manner in which Adversary Proceeding cases are assigned on Chapter 11 cases in the Pensacola Division.

On April 28, 2006, Judge

Killian signed the First Amended Standing Order #8 which reads that "Chapter 11 Administrative cases, all related adversary proceedings and contested matters filed in the Pensacola Division...are assigned to the Honorable William S. Shulman...". Prior to the entry of this Amended Standing Order, the adversary proceedings filed in Pensacola Division chapter 11 cases were

assigned on a rotating basis to Judges Killian, Shulman and Mahoney, respectively.

The new assignment method is intended to promote continuity and judicial economy by reducing duplication of effort in cases which often involve complex issues.

For the complete text of this order, please see the "Standing Orders" link on our website at www.flnb.uscourts.gov.

Standing Order No. 10 - Wireless Access in 341 Meeting Rooms and Courtrooms

Judge Killian recently signed the First Amended Standing Order #10 which allows members of the Bar, while in attendance at a hearing, trial or §341 meeting, to use portable computers in the courtrooms and in the §341 meeting rooms throughout the district.

Pursuant to this standing order, "These devices may only be operated during the progress of or in connection with any judicial proceeding and in any courtroom, hearing room,

or public area, provided that such operation is not disruptive of any court proceeding." Additionally, any camera features, audio or video recording components are not to be used within the courthouse for any reason.

The wireless network, provided by the Bench and Bar Fund, is an 802.11b/g network with WPA security enabled. This helps to prevent unauthorized access to the wireless network and helps prevent your data from being intercepted and read by other authorized users on the network.

You should be aware that the WPA security on this network is not intended to act as

a substitute for a firewall or anti-virus on your laptop.

Users will be responsible for ensuring that their equipment is adequately protected with the latest updates of virus software and security patches. Anyone using the wireless system should determine whether or not their computer is protected against computer viruses in that employees of the Clerk's Office cannot provide technical assistance or other information about firewalls or anti-virus applications.

The Courtroom Deputy will have handouts available during court which contain information on how to access the system.

OFFICIAL FORMS vs. LOCALLY RECREATED

If you recreate an Official Form in your word processing program, be sure to include all language and/or sections regardless of whether or not they apply to your client. This will make it easier for our Case Administrators to determine if your document is in compliance with the requirements and may prevent unnecessary Submission Error Notifications.



FROM THE BENCH

By: Lewis M. Killian, Jr.
United States Bankruptcy Judge
Northern District of Florida

Let Me Serve You

Recently, we had a hearing scheduled on a debtor's motion for contempt based on a creditor's alleged violation of § 362(a). The creditor neither responded nor appeared at the scheduled hearing. Closer review of the certificate of service on the motion revealed that the motion had been served to an out of state corporate service address. The notice of hearing was served by the BNC to the post office box listed in the debtor's schedules and on the mailing matrix. I determined that the hearing could not go forward due to insufficient notice. This situation highlights a couple of issues regarding service of contested matters.

As we all know, pursuant to Fed. R. Bankr. P. 9014(b), a motion or pleading initiating a contested matter must be served in the manner provided for service of a summons under Rule 7004. Pursuant to Rule 7004(b)(3), service on a corporation may be made by first class mail addressed "to the attention of an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process" Thus, simply mailing the motion to an address or to a post office box is not sufficient.

Even if the motion itself is properly served, care must be taken to insure proper notice of any scheduled hearing, especially if the party has not filed a notice of appearance. In specifying who receives notice from the BNC, my JA goes to the address listed in the file. If the only address is that filed with the case (typically the payment post office box) that is the only address to which the notice will be sent. The filer should then enter the service address in the text box when prompted by ECF. This will alert the court and enable us to correctly serve the notice to the proper address. It is your obligation to insure proper service. Failure to do so will cause needless delay and additional expense.

Summonses Now Being Issued Electronically

The Clerk's Office is now issuing an electronic summons in all Adversary Proceeding cases filed in the Northern District. The new procedure, which began in May, replaces the former method of issuing the summons manually and mailing it to the plaintiff's attorney for service.

Now, after an Adversary Proceeding is filed, the case administrator will enter a "summons issued" event in the CM/ECF system and attach an issued summons to the docket entry. The summons is signed electronically by the Deputy Clerk and contains a color court seal in the corner of the document. The attorney filing the Adversary Proceeding will then receive an email with the Notice of Electronic Filing (NEF) advising the attorney that the summons has been issued and instructing the attorney to file the summons in accordance with F.R.B.P. 7004. The attorney can print as many original copies of the summons as needed for service and file the certificate of service with the court as usual.

Upcoming Holiday Closings

September 4
Labor Day

October 9
Columbus Day

NOTE: Unplanned closings due to hurricanes or other severe weather will be posted to our website, the HelpCenter and our phone message.

Tips & Tricks: PDF Documents

If you have a pdf file that is too large to be filed in one attachment, it can be broken down into multiple, smaller files by using the *Extract* feature in Adobe. This feature is found in version 6.0 under the "Document" button located on your Adobe toolbar. (Previous versions may differ). Under the "Document" tab, select "Pages" and then "Extract." Next, follow these instructions:

- Specify the range of pages to extract (usually no more than 10-15 pages at a time) and click OK.

Note: If you check the box to delete extracted pages it will give you the opportunity to save the pages after the extraction.

- Save the extracted pages using a naming scheme that will be understandable to anyone viewing the document (example: Exhibit A pp 1-15, Exhibit A pp 16-30...)
- Specify the next set of page numbers and continue this process until you have created new files for the entire document.

THE CLERK'S CORNER

By: Bill Blevins, Clerk of Court



Since my last article, there are a few updates as well as information to relay on some upcoming events.

With regard to updates, I am pleased to communicate that the bench and bar funded wireless access for the courtrooms and 341 meeting rooms is now available in all divisions. General information on laptop use is located in amended Standing Order 10 which is posted on our Internet site. Specific instructions to be able to utilize the wireless access with your laptop can be obtained from Janet Nah at court hearings or from trustees at 341 meetings. The other update, which most of you are probably already aware, is that post-BAPCPA filings within the District continue to be very low when compared to the pre-BAPCPA period. For the first five months of 2006, we are down about 70% when compared to the same period ending May 2005. Statisticians with the Administrative Office of U.S. Courts, and experts in recent articles, are stating that this minimal level of filing will dissipate by the end of 2006 and that the numbers will be back close to pre-BAPCPA levels sometime in 2007. But, I guess we will all have to wait and see if these predictions come true.

For upcoming events, most are steps that the Clerk's office will be taking over the summer and early fall to install new versions of the CM/ECF software that fix some prior problems and gets us ready for the remaining statistical requirements of BAPCPA that take effect October 17, 2006. We will try to relay as much information as possible about these changes and new features via postings on the Internet and e-mails. In addition to these electronic methods, we also plan to provide a face-to-face detailed review of them at the annual bar seminar currently slated for October 13, 2006.

I am also pleased to announce that the General Services Administration has finally worked out a plan with proposed funding that will allow work to resume at the Arnov Historic Courthouse in Pensacola. While we do not have a proposed completion date yet, the participants and planned tenants look forward to the project getting going once again.

Let me close by relaying my thanks and appreciation to the bar for their support, patience, and collaboration as we have all worked to understand and adjust (and then re-adjust as needed) to the new provisions and procedures required under the new law. As additional changes are implemented during the coming months, we will continue to try to assist and communicate during the introductory phase of those changes. Please note, however, that as a general understanding by the bar is shown via the entries being made in ECF, we will then look to shift our focus over to the next new topic with regard to initial "hand-holding" and personal assistance by office staff. As always, suggestions and comments are welcome and can be directed to Kevin Davis in our Court Services division or via the Court Forum link located on our main Internet page.



IN THE SPOTLIGHT

Melissa McClure - 20 Years Tallahassee

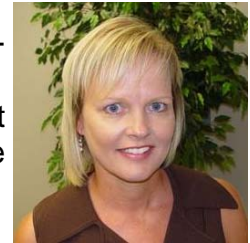


Melissa has served as the Director of Court Operations for the Northern District of Florida since March, 2005. She initially came to the Tallahassee office as the Operations Supervisor from the Middle District of Florida, Tampa office, where she was the Courtroom Deputy to Judge Corcoran for nine years. While in the Middle District, Melissa was also a Case Manager and then a Chapter 11 Team Leader for Judge Paskay for seven years.

Prior to joining the judiciary, she was employed with the City of Ocala for 14 years as an Accounting Supervisor and Project Coordinator in the Engineering Departments. In her position as the Director of Court Operations, Melissa oversees the case management areas of the Clerk's Office. "It's my aim for our Clerk's Office to provide the highest quality service to the Court and its users. If you have a suggestion as to how we can improve, please call me."

Kathy Conn - 15 Years Pensacola

Kathy joined the court as a Case Manager in 1991 and is now the Administrative Operations Specialist for the Bankruptcy Court in the Northern District of Florida. In this position, she handles procurement for the court unit and judges' chambers, serves as the data quality analyst, handles the ECF registration process for outside users and prepares the statistical reports for the district for submission to the Administrative Office.



Submission Error Notifications and Motions

SUBMISSION ERROR NOTIFICATION: Incorrect Filing Event - Document cannot be processed until re-filed using correct filing event;

Submission Errors are serious business. Filing a document incorrectly will result in a submission error notification from the Clerk's office. This notification is to let you know that your document or pleading must be corrected before we can process it. When the document is a motion, it also means that we cannot submit your proposed order to chambers until the error has been corrected, even if the objection period has passed. Please take the time to correct submission errors immediately upon notification of a problem. If you have a question about how to fix the problem, call the Case Administrator or the Help Desk for assistance. We'll be glad to help you get it straightened out.

ECF Essentials: New and Modified Events

Event Name	Docket Text	Locating the Event
Notice of Non-Representation in Adversary Proceeding <i>New Event</i>	Notice of non-representation. Attorney for debtor hereby makes a limited appearance for the purpose of notifying the Court that said attorney does not represent the debtor in this Adversary Proceeding.	Adversary > Notices & Other Miscellaneous
Certification of Filing Tax Returns (Chapter 13) <i>New Event</i>	Debtor certification that all Federal, State and local tax returns have been filed as required by Section 1308 and 1325(a)(9) of the Bankruptcy Code	Bankruptcy > Other / Operating Reports / Miscellaneous
Request for Alias Summons <i>New Event</i>	Request for Alias Summons	Adversary > Notices & Other Miscellaneous
Notice (generic) <i>Now prompts filer to link to a previously filed document, if applicable</i>	Notice of {filer to complete}	Bankruptcy > Notices

Check our website for a current version of the complete Event List.

<http://www.flnb.uscourts.gov>

Welcome New Law Clerks

We are pleased to introduce two new Bankruptcy Court law clerks, Jennifar Hill and Jacob (Jake) Flentke.

Jennifar joined our court in February on “special assignment” to assist in the interpretation and implementation of the Reform Act requirements. She is a 2005 graduate of St. Thomas University School of Law in Miami, is licensed to practice in the State of Florida, and is admitted to the Northern District of Florida. Jennifar also attended Northeastern University in Boston, Massachusetts where she received a Bachelor of Arts in Journalism.



Jake will be joining us in August for a two-year appointment as law clerk to Judge Killian. He is a 2006 graduate of the Florida State University College of Law in Tallahassee. Jake also received both a Bachelor in Arts in Comparative Literature: Spanish and a Bachelor of Music in Performance: Bassoon from Northwestern University in Evanston, Illinois.

UPGRADE (continued from page 1)

commenced. Currently, users filing an Adversary Proceeding are not given the opportunity to file under more than one cause of action. Under the new version, users will be able to select a primary and secondary cause (e.g., objections under §523 and §727) instead of choosing a single cause of action. In doing so, the primary Nature of Suit should be the main issue of the complaint.

The newer version also features an enhanced case opening process. The search screen for adding a party now includes first and middle name fields making the process more precise. Additionally, the Party Role field has been eliminated from the party information screen during case opening thereby reducing the number of mouse clicks during the case opening process.

Additional upgrades are expected in mid-October to enable the court to comply with statistical requirements of BAPCPA. Court staff will be conducting information sessions beginning in September to prepare members of the bar for future upgrades.

National Creditor Registration Service

The National Creditor Registration Service (NCRS) is a free service provided by the U.S. Bankruptcy Courts to give creditors options to specify a preferred U.S. mail, e-mail address, or fax number to which bankruptcy notices should be sent.

The Preferred Address service supports the amendment to title 11 U.S.C. § 342(f) of the bankruptcy act of 2005, along with the pending amendment to Bankruptcy Rule 2002(g)(4), both of which permit a creditor to specify a preferred mailing address to be used by all bankruptcy courts or by particular bankruptcy courts for providing notices.

When you fill in the preferred address registration agreements you must list the name and address and name synonyms (spelling variations of the name) commonly used in debtor filings where you are identified as a creditor. Software will attempt to match the names and addresses provided by you to the name and address included in the mailing list. In most cases, the addresses in the court's mailing list are provided by the debtor. If a match is made, the notice will be redirected to the preferred name and address specified by you. If the recipient name and address in the court's mailing list do not match any combination of names and addresses you provided, the BNC will mail the notice to the address provided in the mailing list.

For more information, visit the NCRS website at www.ncrsuscourts.com

Message from The Northern District of Florida Bankruptcy Bar Association

By James E. Sorenson, President

The Association will hold its annual seminar on Friday, October 13, 2006 at the Hilton Sandestin Beach Golf Resort & Spa. A cocktail reception will be held Thursday evening. We will be mailing out a brochure with detailed information on the seminar.

The Association is also working on compiling an email list so that the Association can easily and efficiently communicate with its members. This will also allow the Clerk's office to be able to pass on important information to bankruptcy practitioners in the Northern District of Florida. If you would like to be added to the email list, please email your contact information to me at jim@wgdlaw.com. I hope to see you in Sandestin on October 13th.

HELP DESK HINTS: Checking the Status of an Order

If you have submitted a proposed order and would like to check to see if the order has been entered, the first place to check is PACER. If the order is not on the docket, you can contact the Case Administrator to check the status of the order. Please do not call Judge Killian's chambers or his law clerks to check the status of an order.

Cases are assigned by the last two digits of the case number.

Tallahassee, Gainesville & Panama City Divisions (Tallahassee).....850-521-5001

00-22	Sheila Libby - Sheila_Libby@flnb.uscourts.gov
23-32	Lisa Davis - Lisa_Davis@flnb.uscourts.gov
33-55	Latonia Isom - Latonia_Isom@flnb.uscourts.gov
56-76	Debra Cook - Debra_A_Cook@flnb.uscourts.gov
77-99	Tonya Scott - Tonya_Scott@flnb.uscourts.gov

Pensacola Division (Pensacola).....850-435-8475

00-24	Marsha Mirra - Marsha_Mirra@flnb.uscourts.gov
25-49	Ann Kennington - Ann_Kennington@flnb.uscourts.gov
50-74	Monica Broussard - Monica_Broussard@flnb.uscourts.gov
75-99	Karen Abel - Karen_Abel@flnb.uscourts.gov

The Clerk's Office phones are answered from 9:00 a.m. until 4:00 p.m., local time, Monday through Friday, except federal holidays. Please feel free to call or email the Case Administrators with your questions.

